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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,503	11/20/2001	Scott B. Heintzeman	8477.99USC2	9964

7590 02/08/2005

Attn: Alan G. Gorman
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Minneapolis, MN 55402-0903

EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,503

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 41-63 have been examined. Application 09/991,503 (COMPUTERIZED APPARATUS AND METHOD FOR AWARDING CREDITS TO PERSONS FOR TRAVEL RELATED PURCHASES) with a filing date 11/20/01 is a continuation of 09/598,586, which is continuation of 08/892,563 (Pat. 6,631,355), which is a continuation 08/439,626, which is a continuation of 08/385,381 (Pat. 5,483,444), which is a continuation of 08/143,453 (10/26/1993).

Response to Amendment

2. In response to Non Final Rejection 03/26/04, the Applicant filed a terminal disclaimer 09/30/04 and a request for reconsideration. Applicant amendment overcame the claim objection and the Double Patenting rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-53 and 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program.

As per claim 41, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

- (a) a computerized reservation system connected to a network;
- (b) an interface device connected to the network and configured so that a user of the interface device has access to the computerized reservation system (see column 4, lines 5-25);
- (c) a reservation facility computer system connected to the network and thereby accessible to the user accessing the computerized reservation system, the reservation facility computer system configured so that the user may book a travel-related reservation (see column 4, lines 5-25; column 9, lines 9-50).

Webber fails to teach:

- (d) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles

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flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help promote loyalty as suggested in the article for the frequent travelers of Webber (see column 6, line 3).

As per claim 42, Webber teaches:

The award system of claim 41 wherein the data concerning the travel related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 9-25; column 6, lines 1-5).

As per claim 43, Webber fails to teach:

The award system of claim 41 further configured to determine the total credits previously awarded to the person for whom the travel-related reservation is booked and add the credits assigned to the credits previously awarded thereby creating a cumulative credit total that is stored in the award system. However, the article Which Frequent-Flier Program teaches a frequent-flier award system that keeps a running account of the miles earn (see paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The earn credits would be accumulated in an account for the purpose of redeeming them for awards.

As per claim 44, Webber fails to teach:

The award system of claim 41 wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the article Which Frequent-Flier Program teaches a frequent-flier program where credits are earned by fulfillment of the travel-related reservation (see paragraph 9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases after is verified the travel-related reservation was fulfilled. The system has to verify if the travel-related reservation was fulfilled because there is no point of giving credits to persons that cancel the reservation.

As per claim 45, Webber fails to teach:

The award system of claim 44 wherein the fulfillment of the travel-related reservation is accomplished by a stay in and check-out of the facility for which the travel-related reservation had been booked. However, the article Which Frequent Flier Program teaches a frequent-flier program that grants credits per hotel stay (see paragraph 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for stays in hotels. The purpose of the award system is to be an incentive for travelers to

use the services of the companies that sponsors the frequent-flier program. The system would be useless if it gives credits to persons that cancel the reservations.

As per claim 46, Webber teaches:

The award system of claim 45 wherein the fulfillment of the reservation is performed by the person for whom the travel-related reservation has been booked (see column 4, lines 9-25).

As per claim 47, Webber teaches:

A computer implemented method of awarding credits to persons who book travel-related reservations, the method comprising:

(a) transmitting travel-related reservation information from a user via an interface device connected to a network to a computerized reservation system connected to the network (see column 4, lines 9-25);

(b) communicating the travel-related reservation information to a reservation facility computer system connected to the network (see column 4, lines 9-25).

Webber fails to teach:

(c) communicating the travel-related reservation information to an awards system, wherein the awards system processes the travel-related reservation information and awards credits to persons for whom the travel-related reservation have been booked upon the awards system verifying that an event relating to the travel-related reservation booked has occurred. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see

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paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 48, Webber fails to teach:

The computer implemented method of claim 47 wherein the act of processing the travel related reservation information includes processing of data representing the revenue generated from the travel-related reservation and calculating credits to be awarded based on the revenue generated from the travel-related reservation. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel-related expenses.

As per claim 49, Webber fails to teach:

The computer implemented method of claim 47 wherein the act of processing the travel-related reservation information includes determining the type and length of the travel related reservation and assigning a predetermined number of credits based on the type and length of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel-related reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 50, Webber teaches:

The computer implemented method of claim 47 wherein the data concerning the travel-related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 5-25).

As per claim 51, Webber fails to teach:

The computer implemented method of claim 47 wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based

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on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. It would be obvious that the system would check if the travel-related reservation was fulfilled because there would be no purpose of giving a credit award to someone that never bought the travel-reservation. If the system does not verify if the person fulfilled the travel-related reservation then people would receive credits for cancel reservations and would be able to redeem the credits for awards, making the system useless.

As per claim 52, Webber fails to teach:

The computer implemented method of claim 51 wherein the fulfillment of the travel-related reservation is accomplished by a completed stay in a hotel room by the person for whom the travel-related reservation has been made. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards.

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The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 53, Webber teaches:

A computer implemented method of awarding credits to persons completing travel-related purchases, the method comprising:

(a) transmitting a purchaser identification code and travel-related purchase information via an interface device connected to a network to an award system connected to the network upon the completion of a travel related purchase (see column 4, lines 9-25);

Webber fails to teach:

(b) processing of the travel-related purchase information by the award system to verify that the travel-related purchase is complete and calculate the credits to be assigned to the person completing the travel-related purchase; and

(c) assigning the calculated credits to the person completing the travel-related purchase, wherein the credits assigned may be exchanged for an award.

However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles

flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 55, the computer implemented method of claim 53, contains the same limitation as claim 48 therefore the same rejection is applied.

As per claim 56, the computer implemented method of claim 53, contains the same limitation as claim 49 therefore the same rejection is applied.

As per claim 57, the computer implemented method of claim 53, contains the same limitations as claim 45 therefore the same rejection is applied.

As per claim 58, the computer implemented method of claim 53, contains the same limitations as claim 46 therefore the same rejection is applied.

As per claim 59, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

- (a) an interface device connected to the network (see column 4, lines 9-25);
- (b) a reservation facility computer system connected to the network and configured so that a user of the interface device may access the reservation facility computer system to book a travel-related reservation (see column 4, lines 9-25).

Webber fails to teach:

- (c) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been

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booked, the award system being further configured to verify fulfillment of the travel-related reservation and decrement credits previously assigned to the person for travel-related reservations that are not fulfilled. However, the article Frequent-Flier teaches a frequent-flier system that keeps a running account of the miles earned and credits and decrements credits from the user's account accordingly (see paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a customer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses. It would be obvious that the system would check if the travel-related reservation was fulfilled because there would be no purpose of giving a credit award to someone that never bought the travel-reservation. If the system does not verify if the person fulfilled the travel-related reservation then people would receive credits for cancel reservations and would be able to redeem the credits for awards, making the system useless.

As per claim 60, Webber teaches:

The computerized incentive system of claim 59 including a computerized reservation system connected to a network for communicating travel related reservations to the reservation facility computer system (see column 4, lines 9-25).

As per claim 61, the award system of claim 59 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 62 contains the same limitations as claims 41 and 44 therefore the same rejection is applied.

Claim 63 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program and further in view of Goheen (U.S. 6,094,640).

As per claim 54, Webber fails to teach:

The computer implemented method of claim 53 wherein the interface device is connected to the network via a wireless connection. However, Goheen teaches about a mobile airline communication system that provides validation of a travel reservation and payment to an airline employee (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Webber would give users access to the reservation system via wireless connection, as taught by Goheen. This feature would permit a user to check the status of his or her travel reservation no matter where he or she may be located.

Response to Arguments

4. Applicant's argument filed 09/30/04, with respect to the Section 112 rejection of claim 54 have been fully considered and is persuasive. Therefore, the Section 112 rejection of claim 54 has been withdrawn. Applicant's arguments in respect to claims 41-

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63 have been fully considered but they are not persuasive. The Applicant acknowledges that Webber discloses a computerized reservation system but argues that Webber lacks a reservation facility computer system. The Examiner answers that Webber teaches in figure 1 a processor 18 that interface with the airline reservation system 30 using the appropriate airline reservation format (see column 16, lines 50-55). Also Webber teaches that the travel arranger can be an airline ticket or reservation agent, a traveler agent or an individual traveler who uses an entry device such as a personal computer or a computer terminal to enter travel parameters identifying a customer and a trip. Webber teaches that the exemplary system uses a communication device for communicating with one or more airline booking systems (such as Apollo) which can provide information on seat availability on specified flights per booking class and can allow those flights to be booked (see column 4, lines 9-25). Therefore, Webber teaches a computerized reservation system similar to the one described in the Applicant's specification pages 5-6 (see Webber figure 1, item 18 and 30; column 5, lines 20-50).

The Applicant argues that the Examiner cannot combine Webber with Frequent-Flier because Frequent-Flier does not teach an awards system connected to a network that is configured to receive data concerning travel related reservations. The Examiner answers that Webber teaches a computerized reservation system where each traveler record typically is for a specific individual and contains identifying information such as name and addresses and telephone numbers, credit card numbers, frequent traveler numbers, seating and other travel preferences, a pointer to a particular travel policy record which applies to that individual, etc (see column 6, lines 1-5). Also, Webber

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teaches that processor 18 enters into the Apollo system the frequent flier numbers of all passengers for all airlines and checks the trip request (and, if desired, the traveler and policy records) any special requests, such as special meals or meet-and-assist request. Then processor 18 enters into the record for this itinerary the full price for a regular ticket for this trip, the savings because of the actual price for the itinerary selected through the invented process and the date of the trip, and also enters any remarks that may be required to be entered into this trip record by the pertinent policy record (see column 17, lines 15-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the frequent-flier number use by the Webber system to book and purchase tickets from the different airlines would be used by the corresponding airlines to provide said customers with credits, awards or discounts, as taught by Frequent-flier article. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber system would need to be connected to the different airlines' computer networks and their corresponding frequent-flier programs, because if not, Webber would not be able to book or purchase tickets from the different airlines.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Garback teaches a computer travel planning system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

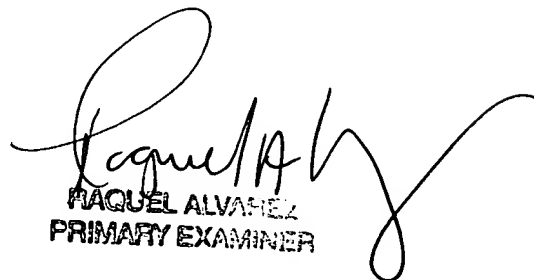
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

The Examiner is scheduled to move to the new Alexandria office in April 2005 (or later). The Alexandria phone number would be 571-272-6720 and RightFax number 571-273-6720. The examiner's supervisor, Eric W. Stamber, new Alexandria number would be 571-272-6724. The current numbers would be in service until the move.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
February 1, 2005


RAQUEL ALVAREZ
PRIMARY EXAMINER